

REMARKS

Claims 1-20 are pending. Claims 1 and 2 have been amended. Claims 18-20 have been newly added. No new matter is being presented.

Claims 1-2 have been rejected under 35 USC 103(a) as being unpatentable over Nozawa (JP 2001-83791) in view of Hooper (U.S. Patent No. 5,946,520). This rejection is respectfully overcome by amendment.

Claim 1 has been amended to recite “an indication member removably attachable to the cap member **to indicate a kind of toner in the container.**” The Examiner admits that Nozawa fails to teach an indication member but relies on Hooper to teach this feature. Specifically, the Examiner appears to be asserting that the use indicator 24 of Hooper is an indication member and that this indication member could be attached to the cap member of Nozawa. However, it is noted that the indicator 24 of Hooper actually designates the company logo of the manufacturer of the toner cartridge and the indication member of claim 1 indicates the kind of toner in the container. The claimed indication member is not the same as the indicator of Hooper. The indicator of Hooper does not indicate a kind of toner in the container. Accordingly, the features of claim 1 are neither taught nor suggested by Nozawa, Hooper, nor a combination of the two.

Claim 2 recites that “the indication member serves as a control member for inhibiting the toner replenishing container from being loaded on a toner supply portion of the image forming apparatus if the indication member does not coincide with a structure of the toner supply portion.” As stated above, the indicator of Hooper merely identifies the manufacturer of the product. The indicator of Hooper does not inhibit the toner replenishing container from being loaded on a toner supply portion, as claimed in claim 2. The features of claim 2 are neither taught nor suggested by Nozawa, Hooper, nor a combination of the two.

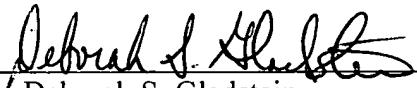
Newly added claims 18-20 recite an indication member which indicates a kind of toner in the container. Therefore, these claims are allowable for the same reasons claim 1 is allowable.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment captioned "**Version with markings to show changes made.**"

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Amend claims 1 and 2 as follows:

1. (Amended) A toner replenishing container for supplying toner to an image forming apparatus comprising:
 - a container body for storing toner therein;
 - a cap member attached to a mouth of the container body, the cap member having a toner outlet port and a shutter member for opening/closing the toner outlet port; and
 - an indication member removably attachable to the cap member to indicate a kind of toner in the container.

2. (Amended) The toner replenishing container as claimed in Claim 1, wherein the indication member serves as a control member for [determining whether] inhibiting the toner replenishing container [may be] from being loaded on a toner supply portion of the image forming apparatus [or not] if the indication member does not coincide with a structure of the toner supply portion.